ITZKOVITCH -- 10/076,591
Client/Matter: 081627-0265363

IN THE SPECIFICATION:

Please amend the specification as follows:

Page 3, delete paragraph [00022] and replace it with the following new paragraph:

[00022] Referring now more particularly to the drawings, FIG. 1 illustrates a tool container according to an embodiment of the present invention. The tool container, generally indicated by reference numeral 10, may be used for storing and accessing items, such as work tools, e.g., hammers, drills, screw drivers, wrenches, etc., and work accessories, e.g., nails, drilling accessories, screws, nuts, bolts, etc. In the embodiment shown in FIG. 1, the tool container 10 generally includes a case 14, which defines a storage space [[18]], and a cover portion 22. The cover portion 22 may be pivotally attached to the case 14 by a hinge mechanism 26 along an upper edge of the case 14 at a first pivot axis 30. The cover portion 22 may be pivotally moveable about the first pivot axis [[22]] 30 between a closed position in which the cover portion 22 covers an upwardly facing opening 34 into an upper region [[38]] of the storage space [[18]] and an open position in which access to the upper region [[19]] through the upwardly facing opening 34 is permitted, the cover portion 22 being securable in the closed position. The case 14 includes a front wall 124, back wall 120, two side walls 132, and a bottom wall 133 to generally define storage space 18.

Page 4, delete paragraph [00023] and replace it with the following new paragraph:

[00023] The cover portion 22 includes a second cover portion 38~~, generally indicated at 38,~~ that is pivotally mounted thereto about a second pivot axis 42. The second cover portion 38 may extend longitudinally of the cover portion 22. The second cover portion 38 covers a second storage compartment or area formed by a recess 64 in the cover portion 22, which is adapted to store a level 39 therein as can be understood from FIG. 2. The level 39 includes a measuring surface 41 and one or more bubble vials 43 for indicating whether or not a surface is level or plumb. An example of a level that may be used in combination with the tool container 10 is disclosed and described in U.S Patent 6,675,490 ~~Application Serial No. 09/604,792 filed June 28, 2000~~, which ~~application~~ patent is hereby incorporated by reference in its entirety into the present application. The second storage area 64 is preferably elongated to accommodate the elongated level 39, as can be understood from the figures. Levels are commercially available in several lengths, such as twenty four inches,

for example. A tool container suitable for storing a twenty four inch level may be approximately 26 inches in length. The second cover portion 38 may also be configured to have the level 39 carried therein or removably attached thereto, as described below. The second cover portion 38 is pivotally moveable about the second pivot axis 42 between a closed condition with respect to the cover portion 22 wherein the top portion 46 of the second cover portion 38 is flush with the cover portion 22 (FIG. 1) and an open condition with respect to cover portion 22, wherein the level stored therein is accessible. The second pivot axis 42 is preferably substantially parallel to the first pivot axis 30.

Page 5, delete paragraph [00025] and replace it with the following new paragraph:

[00025] Additionally, the level may simply be disposed within a recess or pocket-like storage compartment 64 formed within the cover portion 22, as shown in FIG. 9 without being mounted on or otherwise interengaged with the secondary cover portion 38. Here, the level 39 is simply placed in the recess 64 without being secured thereto or to the underside of the second cover portion 38. The recess 64 may be integrally formed with the cover portion. The recess 64 protects the level 39 from contact, and thus possible damage, with other tools that may be contained within the tool box 10. The recess 64 may also present where the level is attached to the second cover portion 38 via the securing mechanisms described above, to thus protect the level 39 from contact with other tools. In those embodiments in which the level 39 is not mounted on (i.e., not removably connected to or positioned within a compartment or storage space of) the second cover portion 38, a worker removes the level 39 by opening the second cover portion 38 and lifting the level 39 out of the recess 64. That is, when the second cover portion 38 is opened, the level remains in the recess 64. In those embodiments in which the level 39 is mounted on or carried by the second cover portion 38 (by being removably attached thereto or by being partially enclosed within a storage space formed therein, for example), the movement of the second cover portion 38 from its closed position to its open position lifts the level 39 out of the recess or storage compartment 64. This has several advantages including, for example, assisting the worker in removing the level from the compartment and positioning the level so that it can be grasped easily. This arrangement also makes it easier for the worker to place the level 39 back in its storage position in the storage compartment 64. The weight of the level also tends to move the second cover portion 38 in its closing direction to its closed position and the

weight of the level helps keep the second cover portion 38 in its closed position. Removably attaching the level to the second cover portion 38 also affirmatively mounts the level to the second cover portion 38 in the recess which ~~prevent~~ prevents the level from rattling or moving around in the recess when the tool container is being carried.

Page 6, delete paragraph [00027] and replace it with the following new paragraph:

[00027] The tool container 10 may also include a removable tray 68 configured to store items therein. The tray 68 includes an integrally formed handle 72. When contained within the tool container 10, the tray 68 is disposed within the case 14 and rests on ledges or protrusions 76 which form support surfaces that are integrally formed in the walls of the case 14. Alternatively, the tray 68 may engage ledges 80 that are integrally formed within the walls of the case 14, the ledges 80 being a top portion of recess channels 84 formed in the four walls of the case 14. When the tray 68 is stored inside the tool container 10, the tray 68 generally divides the storage space 18 into an upper region [[84]], which is defined by the space confined by the cover portion 22 and tray 68, and a lower region [[88]], which is defined by the space confined by the tray 68 and the four walls and bottom wall of the case 14.

Page 6, delete paragraph [00028] and replace it with the following new paragraph:

[00028] The second cover portion 38 includes [[the]] a hinge mechanism [[92]] which permits the second cover portion 38 to pivot with respect to the cover portion 22, about the second pivot axis 42. As shown in greater detail in FIG. 10, the hinge mechanism [[92]] may include protruding portions 96 that engage corresponding female portions 100 (or holes) formed in the cover portion 22 (see FIG. 1). The protruding portions 96 may be integrally formed with the second cover portion 38, or they may be metal pins fixedly attached thereto.

Page 7, delete paragraph [00029] and replace it with the following new paragraph:

[00029] As noted above, the case 14 includes the hinge mechanism 26 connected to the cover portion 22 that permits the cover portion to pivot with respect thereto, about the first pivot axis 30. As shown in greater detail in FIG. [[4]] 3A, the hinge structure

26 may include a plurality of cylindrical shaft members 104 supported in a series of aligned journaling members 108. The series of aligned journaling members 108 may extend from a rear surface 112 of the case 14 and from a bottom, rear edge 116 of the cover portion 22. Thus, the cylindrical shaft members 104 and the series of aligned journaling members 108 form the first pivot axis 30. The shaft member and the series of aligned journaling members 108 are positioned relative to the bottom, rear edge 120 of the cover portion 22 so as to allow the cover portion [[116]] 22 to pivot about the pivot axis 30 without obstruction. The hinge structure 26 may include other types of hinge mechanisms, as generally known in the art.

Page 7, delete paragraph [00032] and replace it with the following new paragraph:

[00032] The cover portion 22 includes an upper exterior surface [[140]] 166 that defines a handle receiving space 168 disposed centrally of the cover portion 22. Disposed within receiving space 168 is a handle 170 connected to the cover portion 22 which may be used to facilitate transport of the tool container. Also, the handle 170 may also include one or two handles (not shown) attached to the case 14. The handle 170 may be pivotally attached to the cover portion 22, or, alternatively, rigidly connected. The handle 170 may be substantially U-shaped with its open end facing toward the cover portion 22. The handle 170 may include a gripping portion 172 and a pair of leg portions 173 integrally extending therefrom and pivotally attached to the cover portion 22.

Page 8, delete paragraph [00034] and replace it with the following new paragraph:

[00034] The cover portion [[116]] 22 may be secured in a closed position with at least one releasable locking mechanism, generally indicated by reference numeral 181. In the illustrated embodiment, two locking mechanisms 181 are mounted within recessed portions 177 that are laterally spaced apart on a peripheral portion of the cover portion [[116]] 22.

Page 8, delete paragraph [00035] and replace it with the following new paragraph:

[00035] The second cover portion 38 includes an extended portion 200 that, when the second cover portion 38 is in the closed position, extends along the front side of the

cover portion to a tab 204 formed at the upper peripheral surface 136 of the case 14, positioned intermediately of wall 124. This tab 204 has a hole 208 formed therethrough that is adapted to align with a hole 212 in the extended portion 200 of the second cover portion 38. A user may use these holes 208, 212 to lock the storage compartment using a combination lock or a key operated lock. When locked, the cover portion 22 is also locked. Alternatively, the tab 204 may be formed on the cover portion (see FIG. 1A) so that only the second cover portion 38 locks (not shown) when utilized. In such a case, the locking mechanisms 181 preferably include a ring portion configured to accommodate a combination or key lock. A tab may also be formed on both the cover portion 22 and the case 14, as shown in FIG. 1. The second cover portion may also include protruding portions 201 for a user to engage to lift second cover portion 38. These protruding portions 201 are curved downward so that the top of the cover portion 22 maintains a generally flat surface when the second cover portion 38 is in the closed position.